EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ADRIENNE RICHARDS et al.,)
Plaintiffs/Counter Defendants,)
v.)) Civil Action No. 20-cv-347
TITLEMAX OF VIRGINIA, et al.,)
Defendants/Counter Claimants.)

<u>DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS'</u> <u>MOTION TO SHOW CAUSE</u>

Defendants TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia, Inc. ("TitleMax") offer this Response in Opposition to Plaintiffs' Motion to Show Cause or for Contempt for Failure to Participate in AAA Arbitrations (ECF 33) and in support thereof state as follows:

Introduction

As discussed in TitleMax's Motion for Leave to file a Response out-of-time (ECF 42), TitleMax and undersigned counsel did not become aware of the issue with AAA, or that Plaintiff Brittney Cooke had even attempted to initiate an arbitration, until January 5, 2023, when Plaintiff's counsel submitted a proposed order to the Court on its Motion for Show Cause. The same day TitleMax learned of these issues it promptly provided Plaintiff's counsel with the requested payment history for Brittney Cooke and began actively working with AAA and Plaintiff's counsel to determine what happened and to get the arbitration opened and processed.

As revealed by the supporting declaration from TitleMax, attached hereto as **Exhibit 1**, the administrative issues with Plaintiff Brittney Cooke's arbitration arose not from TitleMax's failure

to pay fees, but from the requirement of AAA that any arbitration for TitleMax be preceded by a court order compelling the matter to arbitration. Here, Plaintiff purportedly provided the necessary Court order at the time it initiated this arbitration, but confusion still arose from AAA regarding whether the appropriate court order had been issued here, resulting in the incorrect closure of Plaintiff Brittney Cooke's arbitration. It was not until TitleMax became aware of the issue on January 5, 2023, and diligently started asking questions about what it needed to do to correct any issues, that AAA for the first time shared with the parties that no court order compelling arbitration had been provided to AAA (this reasoning was not something AAA originally shared in its letter administratively closing the matter). (See TitleMax Declaration at ¶¶ 8-14, attached hereto as Exhibit 1.)

As this Court is aware, TitleMax is currently engaged in hundreds of arbitrations filed by Plaintiff's counsel with both AAA and JAMS, and the defense and administration of such a volume of claims is a huge undertaking necessarily involving multiple law firms. There was no bad faith on the part of TitleMax or undersigned counsel with the arbitration of Plaintiff Brittney Cooke's claims, and TitleMax has expeditiously taken steps to correct, if not moot, the issue. Because this is not the extremely rare situation where the "most severe sanction" of case dismissal is appropriate or necessary, TitleMax asks that the Court DENY Plaintiff's Motion to Show Cause.

Argument

I. <u>Legal Standard</u>

While this Court has inherent power to punish for contempt and to dismiss actions, the Fourth Circuit has made clear that this inherent power "must be exercised 'with the greatest restraint and caution, and then only to the extent necessary,' particularly in the case of dismissal, the most severe sanction available." *Interstate Narrow Fabrics, Inc. v. Century USA*,

Inc., No. 1:02CV00146, 2006 WL 435726, at *5 (M.D.N.C. Feb. 22, 2006) (emphasis added) (quoting *United States v. Shaffer Equip. Co.*, 11 F.3d 450, 462 (4th Cir. 1993).

The Court's discretion to enter the sanction of dismissal must be balanced against a party's right to a "fair day in court." *Id.* Thus, the Court must consider and balance the following factors before a dismissal can be ordered: "(1) the degree of the wrongdoer's culpability; (2) the extent of the client's blameworthiness if the wrongful conduct is committed by its attorney, recognizing that we seldom dismiss claims against blameless clients; (3) the prejudice to the judicial process and the administration of justice; (4) prejudice to the victim; (5) the availability of other sanctions to rectify the wrong by punishing culpable persons, compensating harmed persons, and deterring similar conduct in the future; and (6) the public interest." *Id.* (citing *Shaffer*, 11 F. 3d at 462-63).

II. <u>TitleMax Has Not Acted in Bad Faith</u>

In this case there are simply no facts to warrant any type of sanction against TitleMax, let alone to support imposing the "most severe" sanction of dismissal and striking Defendants' Answers. Plaintiff's own Motion appears to acknowledge that striking an answer is an extreme request, and instead first asks that the Court "give TitleMax a window to correct" the issue.¹

The first two factors this Court must consider before it can impose a sanction of dismissal are "the degree of the wrongdoer's culpability" and "the extent of the client's blameworthiness." *See Shaffer*, 11 F.3d at 462. In this case, any issues with Plaintiff Cooke's arbitration are purely administrative and did not arise as the result of any bad faith actions or culpability on TitleMax's part. (*See* TitleMax Declaration at ¶¶ 8-13.) In fact, communications with AAA reveal that the

¹ Plaintiff's recitation of the case history is slanted and misleading to say the least. In this action, TitleMax voluntarily joined in a motion to stay this case pending arbitrations and did not oppose Plaintiffs' Motion to Compel Arbitration. (See ECF 13 and 25.) Thus, Plaintiffs' statements in its Motion to Show Cause that an order compelling arbitration was entered "over Defendants' objection" and that TitleMax has "refused to arbitrate" matters in this case (See Plaintiff's Motion at 1-2, ECF 34) are simply incorrect and as reflected by the docket itself and joint status reports submitted in this case.

closure of this arbitration arose not from TitleMax failing to pay any administrative fees, but because of confusion by AAA surrounding the Court Order Plaintiff may or may not have provided at the time the matter was filed with AAA. (*Id.*) Further, as soon as TitleMax became aware of the issue, it took steps to diligently provide AAA with what it needed so that Plaintiff could commence the refiling of her arbitration. (*Id.*) Any minimal delay in clarifying and correcting this issue with AAA and Plaintiff's counsel arose from the transition from prior legal counsel to new legal counsel and gaps in communication which may have occurred during that transition. (*Id.*) The Fourth Circuit has made clear that it is seldom appropriate to strike an Answer or dismiss claims against a "blameless client." *Shaffer*, 11 F.3d at 462-63.

The Court must also consider the "prejudice to the judicial process and the administration of justice" and the "prejudice to the victim." *Id.* This action has been stayed pending arbitrations with no scheduling order entered and no trial date set. Thus, there has been no prejudice to the judicial process and the administration of justice. In contrast to Plaintiff's arguments, there is simply no evidence that TitleMax intentionally refused to engage in arbitration with Plaintiff Brittney Cooke. Instead, an unintentional administrative issue with AAA occurred for this one Plaintiff – amongst the hundreds of other arbitrations Plaintiff's counsel is prosecuting against TitleMax and TitleMax is defending, many of which are in the AAA forum. (*See* TitleMax Declaration at ¶¶ 3-8.) TitleMax has now provided Plaintiff's counsel with the payment information requested and TitleMax has taken steps to correct any administrative issues with AAA. (*Id.*) Thus, Plaintiff Brittney Cooke has suffered no identifiable prejudice and will still be afforded opportunity to arbitrate her claims in accordance with the terms of her loan agreement.

Finally, the Court must consider "the availability of other sanctions to rectify the wrong" and "the public interest." *Shaffer*, 11 F.3d at 462-63. There are clearly other appropriate remedies

here, as Plaintiff herself requested – working with Plaintiff's counsel and AAA to correct the issue and turning over the requested payment files. TitleMax has provided the requested policy file information to Plaintiff and is now actively working to coordinate with AAA and Plaintiff's counsel to get Plaintiff Cooke's arbitration refiled. (*See* TitleMax Declaration at ¶¶ 8-14.) Thus, this Motion, and the relief requested therein, is now moot and there has been no resulting prejudice to Plaintiff.

CONCLUSION

For the foregoing reasons, TitleMax respectfully requests that the Court DENY Plaintiff's Motion to Show Cause (ECF 33) or, at a minimum, find that the Motion is now moot as TitleMax has done exactly as Plaintiff requested by turning over the payment history for this Plaintiff and presenting evidence that TitleMax is not and has not acted in bad faith. TitleMax stands ready and willing to participate in the arbitration of Plaintiff Brittney Cooke's claims.

This the 12th day of January, 2023.

By: /s/Thomas R. Woodrow

Thomas R. Woodrow
HOLLAND & KNIGHT, LLP
101 S. Tryon Street, Suite 3600
Charlotte, NC 28280
T: 980.215.7828
F: 980.215.7771
Tom.woodrow@hklaw.com
NC Bar. No. 58622

Local Civil Rule 83.1(d) Counsel for TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia, Inc.

By: <u>/s/ Anthony J. Durone</u>
Anthony J. Durone (by special appearance)
Missouri Bar No. 43872
BERKOWITZOLIVER

5

2600 Grand Blvd Suite 1200 Kansas City, MO 64108 T: 816.561.7007

F: 816.561.1888

Adurone@Berkowitzoliver.com

Attorneys for Defendant TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia, Inc.

CERTIFICATE OF SERVICE

I, Thomas R. Woodrow, certify that on January 12, 2023, a true and correct copy of the foregoing Memorandum was served upon counsel of record via the Court's CM/ECF system.

/s/ Thomas R. Woodrow
Thomas R. Woodrow

Exhibit 1

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ADRIENNE RICHARDS et al.,)
Plaintiffs/Counter Defendants,)
v.)) Civil Action No. 20-cv-347
TITLEMAX OF VIRGINIA, et al.,)
Defendants/Counter Claimants.)

DECLARATION OF ADRIENNE ROWBERRY

- I, Adrienne Rowberry, declare as follows:
- I am in-house corporate and litigation counsel for the legal department of TMX Finance
 Corporate Services, Inc. and I am over the age of 18. The legal department of TMX Finance
 Corporate Services, Inc. provides in-house legal services to the Defendant entities in this action
 TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia,
 Inc. (collectively "Defendants").
- I make this declaration based on my personal knowledge and if called to testify to the contents
 hereof, I could and would competently do so. I respectfully submit this declaration in support
 of Defendants' Opposition to Plaintiff's Motion to Show Cause.
- 3. Defendants currently have a voluminous number of active cases before the American Arbitration Association ("AAA") and JAMS which were initiated by Greensboro Law Center.
- 4. Exhibit A, attached to Plaintiff's Motion for Show Cause, indicates that a letter was sent from AAA to our outside legal counsel at the time, Troutman Pepper Hamilton Sanders LLP, on

- November 18, 2022, informing TitleMax of Virginia, Inc. ("TitleMax") of the administrative closure of Case Number 01-22-0004-55-28, related to the claims of Plaintiff Brittney Cooke.
- 5. As reflected in the letter heading, neither I nor any other in-house counsel were copied on the November 18, 2022 communication from AAA. To the best of my knowledge, I was not provided a copy of this communication nor were any other members of the legal department provided a copy of this communication by outside counsel..
- 6. Similarly, to the best of my knowledge, TitleMax was unaware that Plaintiff Cooke had attempted to commence an arbitration and that there were issues with the administration of such arbitration until January 5, 2023.
- 7. As reflected in my communication with AAA on December 6, 2022, attached as Exhibit B to Plaintiff's Motion, I have made express efforts to request that I, as in-house counsel for Defendants, be copied on all communications from AAA to avoid these types of issues.
- 8. Any failures on TitleMax's part related to its participation in or administration of the Cooke arbitration were an oversight and entirely unintentional.
- 9. Once I was made aware of the administrative closure, I tried to worked diligently with AAA and Plaintiff's counsel to identify and correct the issue that led to the administrative closure so that AAA could re-open Plaintiff Cooke's arbitration claim in accordance with the terms of her loan agreement(s).
- 10. Specifically, on January 5, 2023, as soon as I learned about the administrative closure of Plaintiff Cooke's case, I personally reached out to AAA and Plaintiff's counsel in an effort to rectify any issues. This correspondence is attached hereto as Exhibit C.
- 11. Since reaching out, AAA has informed the parties that the administrative closure was due to a purported failure to provide a copy of the court order compelling the matter to arbitration.

While Plaintiff's counsel states that such order was in fact provided with the initiation of the

arbitration – indicating the closure was the result of confusion or an error on the part of AAA

- regardless, I have again provided AAA with a copy of such court order. (See Exhibit C.)

12. Thus, Plaintiff should now be able to continue to pursue her claims through the refiling or re-

opening of her arbitration claim.

13. TitleMax, through both its in-house counsel and new outside counsel, stands ready and willing

to coordinate with Plaintiff's counsel in the refiling or re-opening of the Cooke arbitration and

will promptly participate and transmit any fees required by AAA.

14. TitleMax has additionally provided Plaintiff's counsel with the requested loan file and payment

history for Plaintiff Brittney Cooke.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true

and correct.

Executed this 11th day of January, 2023, in Vail, Colorado.

/s Adrienne Rowberry

Adrienne Rowberry

EXHIBIT C

Parmenter, LeeAnn

From: Adrienne Rowberry <Adrienne.Rowberry@titlemax.com>

Sent: Tuesday, January 10, 2023 2:46 PM

To: ConsumerReview

Cc: Kellie; Marian Martin; Deidre Paez; Consumer Case Filing Team; Drew Brown; Tallent,

Lauren; Gilman, Stacey R.; Durone, Anthony J.; William Ruby

Subject: RE: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528 **Attachments:** Richards Mass Action List of Plaintiffs.pdf; Order Compelling Arbitration - Richards Mass

Action.pdf

Importance: High

Follow Up Flag: Copied to Worldox (Client Files\40091\00118\EMAILS\02999316.MSG)

Order compelling arbitration attached. List of Plaintiffs attached, Brittney Cooke hi-lighted on page 4.

Since these emails are likely going to end up in front on the Ccourt I am, again, disputing and objecting to this statement – "Sounds like they contacted TitleMax who did not respond"

No one contacted me or anyone else at TitleMax regarding this matter or administrative closure.

AAA, please re-open the Brittney Cooke matter.

Adrienne Rowberry

Corporate & Litigation Counsel



FAMILY OF COMPANIES

TITLEMAX: MILESES MILESES

15 Bull St Ste 200 Savannah, GA 31401 Direct Line (912) 721-0812 adrienne.rowberry@titlemax.com

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From: Drew Brown <drew@greensborolawcenter.com>

Sent: Tuesday, January 10, 2023 1:29 PM

To: Durone, Anthony J. <ADurone@berkowitzoliver.com>

Cc: Adrienne Rowberry <Adrienne.Rowberry@titlemax.com>; ConsumerReview <ConsumerReview@adr.org>; Kellie

<kellie@greensborolawcenter.com>; Marian Martin <Marian.Martin@titlemax.com>; Deidre Paez

<Deidre.Paez@titlemax.com>; Consumer Case Filing Team <ConsumerFiling@adr.org>; Tallent, Lauren

<LTallent@berkowitzoliver.com>; Gilman, Stacey R. <SGilman@berkowitzoliver.com>; William Ruby

<William.Ruby@titlemax.com>

Subject: Re: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528

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We absolutely submitted that as we always do. Sounds like they contacted TitleMax who did not respond. We have followed up 6-7 times as the filing shows. No one did anything by all accounts until now.

Bear in mind the Court chose not to put the names on the Order so that has been the source of confusion for AAA in the past. So if you all choose to submit anything else to them you may want to include the PACER print out that shows Ms Cooke as a Plaintiff.

Drew Brown

On Jan 10, 2023, at 3:20 PM, Durone, Anthony J. ADurone@berkowitzoliver.com> wrote:

Mr. Brown, please see below. It seems the AAA closed Ms. Cooke's matter because the arbitration was initiated without a copy of the court order compelling it to arbitration. Do you believe you did include the court order and if so do you have any record of including it? Either way, seems like this can be easily resolved by providing a copy of that order and recommencing the arbitration.

Thanks, Tony Durone

Anthony J. Durone
BERKOWITZOLIVERup

2600 Grand Boulevard, Suite 1200 Kansas City, MO 64108 P: 816-627-0217 F: 816-561-1888 www.berkowitzoliver.com

From: Adrienne Rowberry < Adrienne.Rowberry@titlemax.com>

Sent: Tuesday, January 10, 2023 1:58 PM

To: ConsumerReview < ConsumerReview@adr.org>

Cc: drew@greensborolawcenter.com; kellie@greensborolawcenter.com; Marian Martin

<Marian.Martin@titlemax.com>; Deidre Paez <Deidre.Paez@titlemax.com>; Consumer Case Filing Team

< <u>ConsumerFiling@adr.org</u>>; Tallent, Lauren < <u>LTallent@BerkowitzOliver.com</u>>; Durone, Anthony J.

<<u>ADurone@BerkowitzOliver.com</u>>; Gilman, Stacey R. <<u>SGilman@BerkowitzOliver.com</u>>; William Ruby

<william.ruby@titlemax.com>

Subject: RE: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528

Thank you for the prompt response. Much appreciated.

So, once again, the administrative closure letter cites our failure to register an arbitration clause but the real issue is that you have not been provided the court order compelling the matter to arbitration. Going forward, can you please update your letter to accurately describe what the problem is?

Last time we went through this exercise in October, AAA indicated that it was the Claimant's responsibility to provide the court order at the time of filing. And your email below seems to indicate that again (see hi-lighted language below).

Mr. Brown, I am happy to provide a copy of the Court order on this one but thought that you had been doing that when you initiated the demand? Why is that every couple of months we end up here? I am not blaming or accusing you but instead trying to understand why this keeps happening.

If I am supposed to provide a copy of the Court order compelling the matter to arbitration every time a new demand is initiated I can certainly do that but someone needs to tell me that.

AAA, we know you don't like us. I can't undo the past. All I can do is try to help things go more smoothly going forward. And as I have communicated previously, we have removed AAA from our arbitration provisions but there are still probably thousands of loan agreements out there referencing AAA and there is nothing I can do about that.

I beg you, again, to work with me to find a way for Greensboro Law Center, AAA and the TitleMax entities to work together in an efficient, professional and honest manner.

Adrienne Rowberry
Corporate & Litigation Counsel
<image001.png>
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Savannah, GA 31401
Direct Line (912) 721-0812
adrienne.rowberry@titlemax.com

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From: ConsumerReview < ConsumerReview@adr.org>

Sent: Tuesday, January 10, 2023 12:32 PM

To: Adrienne Rowberry < <u>Adrienne.Rowberry@titlemax.com</u>>

Cc: <u>drew@greensborolawcenter.com</u>; <u>kellie@greensborolawcenter.com</u>; Marian Martin < <u>Marian.Martin@titlemax.com</u>>; Deidre Paez < <u>Deidre.Paez@titlemax.com</u>>; William Ruby < <u>William.Ruby@titlemax.com</u>>; Consumer Case Filing Team < <u>ConsumerFiling@adr.org</u>>;

ConsumerReview < ConsumerReview@adr.org >

Subject: RE: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528

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Ms. Rowberry,

Your email was forwarded to Consumer Review for a response. As previously stated in our October 25, 2022 email, the AAA had multiple prior situations in which TitleMax, Inc. did not pay AAA fees, which resulted in the AAA declining to administer their cases. As a result, the AAA determined that we would permanently decline to administer future TitleMax, Inc. consumer arbitration cases filed with the AAA, unless such case was ordered to the AAA pursuant to a court order. Therefore, our decision to decline to administer any future consumer disputes involving TitleMax, Inc. stands, except for cases that have been compelled to arbitration by a court. We request that you remove reference to the AAA from your consumer arbitration agreement(s) to avoid any confusion by the parties in the future.

In the matter of Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528, a court order was not received with the filing. As such, the case was declined for administration on November 18, 2022. The contact listed on the Demand for Arbitration at the time of filing was notified of the closure. The contacts listed on the December 06, 2022 letter were not notified as the closure occurred prior to that date.

We received your December 06, 2022 letter notifying the AAA of the contacts that should be reached for cases. We updated our records accordingly and all filings from the December 06, 2022 date forward will be notified of initial letters of demand for arbitration and/or administrative closures by the AAA. We note that sending all filing documents to the Respondent is the responsibility of the Claimant, which is set forth R-2 of the Consumer Arbitration Rules.

If this matter was ordered to arbitration per court order, please provide the court order to the AAA in an email with the case name and AAA case number, copying the opposing attorney(s) to ConsumerFiling@adr.org. In the future, if any matters are filed with the AAA that were ordered to arbitration by a court but do not include a copy of the court order, we ask that you immediately notify ConsumerFiling@adr.org so that we can proceed with administration rather than close the case and reopen it at a later date.

Thank you,

AAA Consumer Review Team

From: Adrienne Rowberry < Adrienne. Rowberry@titlemax.com>

Sent: Thursday, January 5, 2023 2:31 PM

To: Consumer Case Filing Team < ConsumerFiling@adr.org>

Cc: <u>drew@greensborolawcenter.com</u>; Kellie < <u>kellie@greensborolawcenter.com</u>>; Marian Martin < <u>Marian.Martin@titlemax.com</u>>; Deidre Paez < <u>Deidre.Paez@titlemax.com</u>>; William Ruby < William.Ruby@titlemax.com>

Subject: RE: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528

*** External E-Mail - Use Caution ***

Received, thank you.

Can you provide me with more information re this statement – "Prior to the filing of this arbitration, TitleMax of Virginia, Inc. d/b/a TitleMax failed to comply with the AAA's policies regarding consumer claims, set forth in the Consumer Due Process Protocol ("Protocol") and the Consumer Arbitration Rules ("Consumer Rules"), including the Costs of Arbitration, which can be found on our web site, www.adr.org. Accordingly, we must decline to administer this claim and any other claims between TitleMax of Virginia, Inc. d/b/a TitleMax and its consumers at this time."

I need to understand how we failed to comply.

Also, I want to make sure we are all clear on your communication and instruction below. AAA is not wiling to notify me of administrative closures? It is AAA's position that Claimant's attorney is responsible for notifying me of administrative closures?

We really need to find a way for these three organizations – TitleMax entities, AAA and Greensboro Law Center – to work together. These administrative closures followed by a motion for contempt and sanctions is a huge waste of time, energy and resources for all involved. And not to mention, a waste of the Court's time and resources.

I beg you, AAA, to propose a solution since the requests in my 12/6 letter seem to have been rejected.

Adrienne Rowberry
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adrienne.rowberry@titlemax.com

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From: Consumer Case Filing Team < Consumer Filing@adr.org>

Sent: Thursday, January 5, 2023 12:04 PM

To: Adrienne Rowberry < <u>Adrienne.Rowberry@titlemax.com</u>>

Cc: Consumer Case Filing Team < consumerFiling@adr.org; drew@greensborolawcenter.com; Kellie kellie@greensborolawcenter.com; Marian Martin Marian.Martin@titlemax.com); Deidre Paez

<Deidre.Paez@titlemax.com>; William Ruby <William.Ruby@titlemax.com>

Subject: RE: Brittney Cooke v. TitleMax of Virginia, Inc. d/b/a TitleMax - Case 01-22-0004-5528

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Good Afternoon,

Thank you for your correspondence. Please be advised that the above referenced case is closed, closing letter attached.

Per the AAA Consumer Rules, it is the responsibility of the Claimant to serve the Respondent. At this time we kindly ask the claimant to provide the respondent with the requested documents per the below request.

Thank You, Consumer Filing Team

<image002.png>

Consumer Case Filing Team

1101 Laurel Oak Road Suite 100, Voorhees, NJ 08043 E: ConsumerFiling@adr.org

<image003.png>

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From: Adrienne Rowberry < Adrienne.Rowberry@titlemax.com>

Sent: Thursday, January 5, 2023 11:56 AM

To: Consumer Case Filing Team < ConsumerFiling@adr.org>

Cc: <u>drew@greensborolawcenter.com</u>; Kellie < <u>kellie@greensborolawcenter.com</u>>; Marian Martin < <u>Marian.Martin@titlemax.com</u>>; Deidre Paez < <u>Deidre.Paez@titlemax.com</u>>; William Ruby < William.Ruby@titlemax.com>

Subject: Brittney Cooke

*** External E-Mail - Use Caution ***

Hello AAA Consumer Case Filing Team,

Could you please send me all notices and filings you have relating to the Brittney Cooke matter? Could you also please send me any emails or other correspondence regarding the Brittney Cooke matter that AAA sent to our former outside counsel Troutman Pepper?

Apparently this matter has been administratively closed resulting in Mr. Brown filing the attached Motion to Show Cause. We have not received any information or documentation whatsoever from our former outside counsel Troutman Pepper regarding this matter. We had no idea this matter had been initiated with AAA.

Lastly, I am sending, again, the attached letter that was previously emailed to AAA on 12/6 stating "in the event you run into any issues whatsoever, including those that could result in an administrative closure of a new arbitration matter, please contact myself, Deidre Paez and Marian Martin directly so that we may attempt to resolve any issue prior to an administrative closure." If AAA is not willing or able to honor this request, please let me know. I was under the impression that this letter was acknowledged and agreed to.

Thank you,
Adrienne Rowberry
Corporate & Litigation Counsel
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Direct Line (912) 721-0812
adrienne.rowberry@titlemax.com

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From: ECF@ncmd.uscourts.gov < ECF@ncmd.uscourts.gov >

Sent: Thursday, January 5, 2023 8:37 AM

To: ecf@ncmd.uscourts.gov

Subject: Activity in Case 1:20-cv-00347-LCB-JLW RICHARDS et al v. TITLEMAX OF VIRGINIA, INC. et al

Motions Submitted

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U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 1/5/2023 at 9:37 AM EST and filed on 1/5/2023

Case Name: RICHARDS et al v. TITLEMAX OF VIRGINIA, INC. et al

Case Number: <u>1:20-cv-00347-LCB-JLW</u>

Filer:

Document Number: No document attached

Docket Text:

Motion Submitted: [33] MOTION for Order to Show Cause to JUDGE LORETTA C. BIGGS.

(Blay, Debbie)

1:20-cv-00347-LCB-JLW Notice has been electronically mailed to:

ANDREW H. R. BROWN dbrown@bbflaw.com, jfaucher@bbflaw.com

ANTHONY DURONE <u>adurone@berkowitzoliver.com</u>, <u>emiller@berkowitzoliver.com</u>, kcox@berkowitzoliver.com

JASON D. EVANS <u>jason.evans@troutman.com</u>, <u>caroline.monson@troutman.com</u>, <u>debbie.currie@troutman.com</u>

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1:20-cv-00347-LCB-JLW Notice will not be electronically mailed to:

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18BD, CASREF, MEDIATION, STAYED

U.S. District Court North Carolina Middle District (NCMD) CIVIL DOCKET FOR CASE #: 1:20-cv-00347-LCB-JLW

RICHARDS et al v. TITLEMAX OF VIRGINIA, INC. et al

Assigned to: JUDGE LORETTA C. BIGGS Referred to: MAG/JUDGE JOE L. WEBSTER Related Cases: 1:19-cv-00489-LCB-JLW

1:19-cv-00490-LCB-JLW

Case in other court: North Carolina Superior Court Guilford

County, 20CVS4498

Cause: 28:1332 Diversity

Plaintiff

ADRIENNE RICHARDS represented by ANDREW H. R. BROWN

BENSON, BROWN & FAUCHER, PLLC

822 N. ELM ST., STE. 200 GREENSBORO, NC 27401

Date Filed: 04/20/2020

Nature of Suit: 190 Contract: Other

Jury Demand: None

Jurisdiction: Diversity

336-478-6000

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Counter Defendant

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(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

EDDIE TANNER represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

LOUIS TERRELL represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

PERCIVAL THOMAS represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

HARRIETT THOMPSON represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

MARLISHA THORPE represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

HENRY TUCKER represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

ERIC WADE represented by ANDREW H. R. BROWN

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Counter Defendant

represented by ANDREW H. R. BROWN **ROBERTA WATLINGTON**

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

KEVIN WHITE represented by ANDREW H. R. BROWN

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

represented by ANDREW H. R. BROWN MICHAEL WHITE

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

TOMMY WHITENER represented by ANDREW H. R. BROWN

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

RONALD WILLIAMS represented by ANDREW H. R. BROWN

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

T'KEYAH WILLIAMS represented by ANDREW H. R. BROWN

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

OSCAR WILLOUGHBY, JR. represented by ANDREW H. R. BROWN

TERMINATED: 05/19/2022 (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

represented by ANDREW H. R. BROWN JONATHAN WINDHAM

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

represented by ANDREW H. R. BROWN **GRACE WOODARD**

> (See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

MICHAEL WOODARD

represented by ANDREW H. R. BROWN

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant CARLA WRIGHT

represented by ANDREW H. R. BROWN

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/20/2020	1	PETITION FOR REMOVAL against All Plaintiffs (Filing fee \$ 400 receipt number 0418-2791072.)(Related Case # 1:19cv00489, 1:19cv00490), filed by TMX FINANCE OF VIRGINIA, INC., TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC (Attachments: # 1 Exhibit A - Complaint, # 2 Civil Cover Sheet) (HARTZELL, SAMUEL) (Additional attachment(s) added on 4/21/2020: # 3 Exhibit B - State Summons) (Hicks, Samantha). (Entered: 04/20/2020)
04/21/2020	2	COMPLAINT against All Defendants filed by ADRIENNE RICHARDS, et al. (Original document filed in Guilford County Superior Court, Case Number 20CVS4498 and is listed as Exhibit A to the <u>1</u> Petition for Removal) (Hicks, Samantha) (Entered: 04/21/2020)
04/21/2020	3	Summons Issued as to All Defendants. (Original document filed in Guilford County Superior Court on 4/9/2020 in Case Number 20CVS4498 and is listed as Exhibit B to the 1 Petition for Removal) (Hicks, Samantha) (Entered: 04/21/2020)
04/21/2020	4	Notice of Right to Consent. (Attachments: # 1 Consent Form) (Hicks, Samantha) (Entered: 04/21/2020)
04/21/2020		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website under Attorney Information for a list of mediators which must be served on all parties. (Hicks, Samantha) (Entered: 04/21/2020)
04/21/2020		Case ASSIGNED to JUDGE LORETTA C. BIGGS and MAG/JUDGE JOE L. WEBSTER. (Hicks, Samantha) (Entered: 04/21/2020)
05/11/2020	<u>5</u>	ANSWER to 2 Complaint, Counterclaim against by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC (HARTZELL, SAMUEL) (Entered: 05/11/2020)
05/12/2020	6	ANSWER to Complaint <i>Reply to Counterclaim by all Plaintiffs</i> by ADRIENNE RICHARDS. (BROWN, ANDREW) (Entered: 05/12/2020)
05/12/2020	7	NOTICE of Appearance by attorney JASON D. EVANS on behalf of Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (EVANS, JASON) (Entered: 05/12/2020)
05/13/2020	8	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 6/17/2020 09:30 AM in Durham Courtroom #1 before MAG/JUDGE JOE L. WEBSTER. (Garrett, Kim) (Entered: 05/13/2020)
05/13/2020	9	NOTICE of Appearance by attorney JACOB R. FRANCHEK on behalf of Counter

10/23, 1.40 FW		Civi/EGF - Hallid
		Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (FRANCHEK, JACOB) (Entered: 05/13/2020)
05/20/2020	10	MOTION to Withdraw as Attorney SAMUEL B. HARTZELL by on behalf of TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC Responses due by 6/10/2020 (Attachments: # 1 Text of Proposed Order)(HARTZELL, SAMUEL) (Entered: 05/20/2020)
05/20/2020	11	BRIEF re 10 MOTION to Withdraw as Attorney SAMUEL B. HARTZELL by Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. filed by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (HARTZELL, SAMUEL) (Entered: 05/20/2020)
05/20/2020		Motion Referred: RE: 10 MOTION to Withdraw as Attorney SAMUEL B. HARTZELL, to MAG/JUDGE JOE L. WEBSTER. (Blay, Debbie) (Entered: 05/20/2020)
05/21/2020		TEXT ORDER granting 10 Motion to Withdraw as Attorney. For good cause shown, Attorneys Christopher W. Jones, Samuel B. Hartzell, and Scott D. Anderson and the law firm Womble Bond Dickinson (US) LLP are TERMINATED as counsel for Defendants/Counter-Claimants TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia, Inc. Issued by MAG/JUDGE JOE L. WEBSTER on 5/21/2020.(Lee, Pedra) (Entered: 05/21/2020)
06/09/2020		TEXT ORDER issued by MAG/JUDGE JOE L. WEBSTER on 6/9/20. An initial pretrial conference hearing is scheduled in this matter on June 17, 2020. The Parties are ORDERED to submit their Joint Rule 26(f) Report, or Individual Rule 26(f) Reports no later than Friday, June 12, 2020 at Noon.(Garrett, Kim) (Entered: 06/09/2020)
06/11/2020	12	Joint MOTION to Continue <i>Initial Pretrial Conference</i> by ADRIENNE RICHARDS. (BROWN, ANDREW) (Entered: 06/11/2020)
06/11/2020		Motion Referred: RE: 12 Joint MOTION to Continue <i>Initial Pretrial Conference</i> , to MAG/JUDGE JOE L. WEBSTER. (Blay, Debbie) (Entered: 06/11/2020)
06/11/2020		TEXT ORDER granting 12 Motion to Continue Initial Pretrial Conference. For good cause shown, the Initial Pretrial Conference Hearing shall be continued to July 22, 2020 at 9:30am in Durham, Courtroom Second Floor. Issued by MAG/JUDGE JOE L. WEBSTER on 6/11/2020.(Lee, Pedra) (Entered: 06/11/2020)
06/12/2020		Reset Hearings: Initial Pretrial Conference reset for 7/22/2020 09:30 AM in Durham Courtroom #1 before MAG/JUDGE JOE L. WEBSTER. (Garrett, Kim) (Entered: 06/12/2020)
07/15/2020		TEXT ORDER An initial pretrial conference hearing is scheduled in this matter on July 22, 2020. The Parties are ORDERED to submit their Joint Rule 26(f) Report, or Individual Rule 26(f) Reports no later than Friday, July 17, 2020 at Noon. Issued by MAG/JUDGE JOE L. WEBSTER on 7/15/20. (Garrett, Kim) (Entered: 07/15/2020)
07/17/2020	13	Rule 26(f) Report (Joint) filed by all parties by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC (EVANS, JASON) (Entered: 07/17/2020)
07/17/2020	14	BRIEF re 13 Rule 26(f) Report (Joint) filed by all parties in support of Joint Motion to Stay by Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF

10/23, 1.40 FW		VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. filed by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC (EVANS, JASON) (Entered: 07/17/2020)
07/17/2020		Motions Referred: RE: 13 Rule 26(f) Report (Joint) filed by all parties, to MAG/JUDGE JOE L. WEBSTER (Garrett, Kim) (Entered: 07/17/2020)
07/20/2020		TEXT ORDER granting 13 Joint motion to Stay. Based upon the representations of the parties, this matter is substantially similar to two other matters pending before this Court, <i>Goines, et al. v. TitleMax of Virginia, et al.</i> (No. 1:19-cv-00489-LCB-JLW) (Goines) and <i>Nicholson et al. v. TitleMax of Virginia, et al.</i> (No. 1:19-cv-00490-LCB-JLW) (Nicholson). In light of prior Orders in <i>Goines</i> and <i>Nicholson</i> , a scheduling order will not be entered in this matter at this time. Defendants in the instant matter agree to produce a copy of any loan agreements that can be identified for Plaintiffs in this matter within sixty (60) days hereof to Plaintiffs' counsel and to identify the names of any Plaintiffs for which a loan agreement is not located. As to any Plaintiff having an identifiable loan subject to arbitration, this action is hereby stayed pending resolution of arbitration in accordance with the parties' arbitration agreements. The parties shall file a status report within seventy-five (75) days of this Order informing the Court as to any Plaintiff which a loan agreement has not been located. IT IS FURTHER ORDERED that counsel shall file a joint status report of arbitration every ninety (90) days and notify the Court of any arbitration awards within seven (7) days after arbitration has concluded. Failure to file such reports may result in dismissal. Issued by MAG/JUDGE JOE L. WEBSTER on 7/20/2020.(Lee, Pedra) (Entered: 07/20/2020)
07/20/2020		Set/Reset Deadlines: Status Report due by 10/3/2020. (Taylor, Abby) (Entered: 07/20/2020)
10/09/2020	<u>15</u>	DECLARATION of Technical Difficulties by Attorney Jason D. Evans. (Garland, Leah) (Entered: 10/09/2020)
10/09/2020	<u>16</u>	JOINT STATUS REPORT. (Garland, Leah) (Entered: 10/09/2020)
10/09/2020		TEXT ORDER re 16 Status Report. The parties shall have an additional thirty (30) days from the date of this Order within which to gather additional identifying information and attempt to locate loan agreements for the Unidentified Plaintiffs, if any. The parties shall file a status report no later than thirty (30) days from the date of this Order. Issued by MAG/JUDGE JOE L. WEBSTER on 10/9/2020. (Lee, Pedra) (Entered: 10/09/2020)
10/27/2020	17	STIPULATION OF DISMISSAL WITHOUT PREJUDICEAS TO CERTAIN PLAINTIFFS by Plaintiffs TIMESHIA HARVEY, NIQUISHA STROUD. (From Technical Failure Email Inbox) (Hicks, Samantha) (Entered: 10/27/2020)
11/09/2020	18	JOINT STATUS REPORT filed by all parties (EVANS, JASON) (Entered: 11/09/2020)
11/10/2020		TEXT ORDER re 18 Joint Status Report. Based upon the representations made in the Joint Status Report, the parties shall have up to and including January 18, 2021, within which to gather additional identifying information and attempt to locate loan agreements for the two remaining Unidentified Plaintiffs, if any. Issued by MAG/JUDGE JOE L. WEBSTER on 11/10/2020. (Lee, Pedra) (Entered: 11/10/2020)
05/10/2021	<u>19</u>	JOINT STATUS REPORT filed by all parties. Est. Trial Days: 20. (BROWN, ANDREW) (Entered: 05/10/2021)
08/09/2021		TEXT ORDER : 19 Joint Status Report. The parties shall provide this Court with an updated Joint Status Report of all arbitrations being conducted in this matter no later than

10/23, 1:40 PM		CM/ECF - ncmd
		August 16, 2021. Additionally, the status report shall also discuss the implications of the current status of the companion <i>Goines & Nicholson</i> matters. Issued by MAG/JUDGE JOE L. WEBSTER on 8/9/2021. (Lee, Pedra) (Entered: 08/09/2021)
08/16/2021	20	STATUS REPORT (<i>Joint</i>) by ADRIENNE RICHARDS. (BROWN, ANDREW) (Entered: 08/16/2021)
09/08/2021		TEXT ORDER Re 20 Status Report. Based upon the representations made in the Joint Status Report and the recent rulings in the <i>Goins</i> companion case, the parties shall file an updated joint status report no later than September 22, 2021. Issued by MAG/JUDGE JOE L. WEBSTER on 9/8/2021. (Lee, Pedra) (Entered: 09/08/2021)
09/22/2021	<u>21</u>	JOINT STATUS REPORT filed by all parties (EVANS, JASON) (Entered: 09/22/2021)
01/06/2022	22	**FILED IN ERROR** JOINT STATUS REPORT <i>OF ARBITRATION</i> filed by all parties. (EVANS, JASON) Modified on 1/6/2022 to mark filed in error per filing attorney request. (Sheets, Jamie) (Entered: 01/06/2022)
02/24/2022	<u>23</u>	JOINT STATUS REPORT filed by all parties (EVANS, JASON) (Entered: 02/24/2022)
02/25/2022		CASE REFERRED RE: (23 in 1:20-cv-00347-LCB-JLW) Joint Status Report, (165 in 1:19-cv-00489-LCB-JLW) Joint Status Report, to JUDGE LORETTA C. BIGGS. Associated Cases: 1:20-cv-00347-LCB-JLW, 1:19-cv-00489-LCB-JLW(Blay, Debbie) (Entered: 02/25/2022)
04/21/2022		TEXT ORDER RE 21 Joint Status Report: In the Joint Status Report, Plaintiffs express a desire to have this matter proceed to arbitration consistent with orders of the Court in the <i>Goines</i> and <i>Nicholson</i> matters. Defendants request that no further action be taken in this case until the current <i>Goines</i> and <i>Nicholson</i> matters pending before JAMS are resolved. To the extent that Plaintiffs seek to compel arbitration in this matter, Plaintiffs shall have up to and including May 12, 2022 to file a motion to compel arbitration. The parties shall continue to file updated joint status reports with the Court as previously ordered. Issued by MAG/JUDGE JOE L. WEBSTER on 04/21/2022. (Pender, Rachel) (Entered: 04/21/2022)
04/21/2022	24	NOTICE of Attorney Appearance by attorney WILLIAM J. FARLEY, III on behalf of Defendants TITLEMAX OF VIRGINIA, INC., TITLEMAX OF SOUTH CAROLINA, INC., TMX FINANCE OF VIRGINIA, INC. (FARLEY, WILLIAM) (Entered: 04/21/2022)
05/10/2022	25	MOTION to Compel Arbitration (unopposed) by AIMEE ANDERSON, CHRISTINE ARCHIE, ALBERTHA AUSTIN, ANNIE BAILEY, RODNEY BAILEY, SHIRRELL BALDWIN, BOBBY BELL, PAUL BENTON, JACKIE BITTLE, SHANON BLUE, SHALELIA BRASWELL, MARIA BROWN, SANDRA BROWN, SHARIA BROWN, MICHAEL CAMERON, DELILA CHAPMAN, ANGELA CLINTON, BRITTNEY COOKE, DARRYL COULTER, ALEX CUNNINGHAM, KRISTY CUTHBERTSON, ROSALIND DANIELS, CECILIA DOWNEY, LEVONNE DURHAM, SHAKEYIA EDDINGTON, ROBIN EDWARDS, DIANNA ELLIS, PAMELA FARRINGTON, MARJORIE FERGUSON, STACI FLORENCE, ANTOINETTE FLOWERS, COLEMAN FRAZIER, DOMINIC FUMBANKS, TIFFANY GERRES, ANNIE GILCHRIST, KHALIAH GLANTON, EBONY GOODE, SHEMEIKA GOODEN, CALVIN GRAHAM, TASHIKA GRAHAM, LOUVENIA GRAVES, JAMES GRAY, ANTONIO GREEN, ERNEST GREEN, JANICE GREEN, ERNEST GUERRIER, MONTINA HAIRSTON, AMANDA HALL, KENYADA HARDY, LARRY HARRIS, TIANA HART, TIMESHIA HARVEY, JIHAD HASAN, DERRICK HATCHER, SHAKIA HAYDEN, BRIANNA HESTER, ARTHUR HILL, JENNIFER HILL, CORLETHA HOLLEY, SIERRA HUNT, ASHLEY IFILL, CANDACE INGLE, DEBORA JACKSON, JONATHAN JOHNSON, TALAYA JONES, ANTHONY JORDAN, GREGORY

JOSEPH, ROBERT KELLY, LYNEE KIMBLE, ANTHONY KIRKPATRICK, ROBERT KNUCKLES, EVELYN LAWRENCE, LATOYA LEACH, SHAMIKA LEDBETTER, DARRELL LEGRAND, KEOLIKA LITTLE, LARRY LIVINGSTON, ALICIA MALONE, EVELIS MASON, JAYTONIUS MATTHEWSON, ASHLEY MCCLUNEY, DARREN MCDOUGLE, LEOUITA MCKINNON, RHONDA MILLER, MARELYS MORA, SONEJA MORGAN, NICOLE MULL, BARRY MULLINS, SAMANTHA MULLINS, SHEILA MUNGO, DARLIENE NICHOLSON, JOSHUA NOEL, MARCINA NORMAN, EDSEL NORWOOD, BRANDON PASS, NAUTICA PEAY, JASMINE PERKINS, NANCY PERSON, PORSILYNE PERSON, FRANKLIN PHILLIPS, TONI POSTON, PORCHA PRATT, ANTHONY PRICE, JR., SHONDA PULLIAM, DAWN REDDICK-UMOJA, MERESA REDMOND, ALDRIDGE REED, DAVID REID, JOY REYES DIAZ, ADRIENNE RICHARDS, EMMA RICHARDSON, JAMES ROBERSON, EUGENA ROBINSON, LLOYD ROME, KEITH ROYSTER, ERIC SANDERS, COLLIS SCOTT, JEROME SCOTT, JERRY SCOTT, MELVITA SCOTT, DAVID SEALEY, QUENTEDA SHARPE, ASHLEY SHELTON, BELINDA SMITH, BRITTANY SMITH, KELVIN SMITH, JOCELYN SPIKES, DANIEL STANDBACK, HERCULES STEPHEN, NIQUISHA STROUD, PATRICE SUMMERS, EDDIE TANNER, LOUIS TERRELL, PERCIVAL THOMAS, HARRIETT THOMPSON, MARLISHA THORPE, TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., HENRY TUCKER, ERIC WADE, ROBERTA WATLINGTON, KEVIN WHITE, MICHAEL WHITE, TOMMY WHITENER, RONALD WILLIAMS, T'KEYAH WILLIAMS, OSCAR WILLOUGHBY, JONATHAN WINDHAM, GRACE WOODARD, MICHAEL WOODARD, CARLA WRIGHT. Response to Motion due by 5/31/2022 (Attachments: # 1 Text of Proposed Order A)(BROWN, ANDREW) (Entered: 05/10/2022)

05/10/2022

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MEMORANDUM filed by Plaintiffs AIMEE ANDERSON, CHRISTINE ARCHIE, ALBERTHA AUSTIN, ANNIE BAILEY, RODNEY BAILEY, SHIRRELL BALDWIN, BOBBY BELL, PAUL BENTON, JACKIE BITTLE, SHANON BLUE, SHALELIA BRASWELL, MARIA BROWN, SANDRA BROWN, SHARIA BROWN, MICHAEL CAMERON, DELILA CHAPMAN, ANGELA CLINTON, BRITTNEY COOKE, DARRYL COULTER, ALEX CUNNINGHAM, KRISTY CUTHBERTSON, ROSALIND DANIELS, CECILIA DOWNEY, LEVONNE DURHAM, SHAKEYIA EDDINGTON, ROBIN EDWARDS, DIANNA ELLIS, PAMELA FARRINGTON, MARJORIE FERGUSON, STACI FLORENCE, ANTOINETTE FLOWERS, COLEMAN FRAZIER, DOMINIC FUMBANKS, TIFFANY GERRES, ANNIE GILCHRIST, KHALIAH GLANTON, EBONY GOODE, SHEMEIKA GOODEN, CALVIN GRAHAM, TASHIKA GRAHAM, LOUVENIA GRAVES, JAMES GRAY, ANTONIO GREEN, ERNEST GREEN, JANICE GREEN, ERNEST GUERRIER, MONTINA HAIRSTON, AMANDA HALL, KENYADA HARDY, LARRY HARRIS, TIANA HART, TIMESHIA HARVEY, JIHAD HASAN, DERRICK HATCHER, SHAKIA HAYDEN, BRIANNA HESTER, ARTHUR HILL, JENNIFER HILL, CORLETHA HOLLEY, SIERRA HUNT, ASHLEY IFILL, CANDACE INGLE, DEBORA JACKSON, JONATHAN JOHNSON, TALAYA JONES, ANTHONY JORDAN, GREGORY JOSEPH, ROBERT KELLY, LYNEE KIMBLE, ANTHONY KIRKPATRICK, ROBERT KNUCKLES, EVELYN LAWRENCE, LATOYA LEACH, SHAMIKA LEDBETTER, DARRELL LEGRAND, KEOLIKA LITTLE, LARRY LIVINGSTON, ALICIA MALONE, EVELIS MASON, JAYTONIUS MATTHEWSON, ASHLEY MCCLUNEY, DARREN MCDOUGLE, LEQUITA MCKINNON, RHONDA MILLER, MARELYS MORA, SONEJA MORGAN, NICOLE MULL, BARRY MULLINS, SAMANTHA MULLINS, SHEILA MUNGO, DARLIENE NICHOLSON, JOSHUA NOEL, MARCINA NORMAN, EDSEL NORWOOD, BRANDON PASS, NAUTICA PEAY, JASMINE PERKINS, NANCY PERSON, PORSILYNE PERSON, FRANKLIN PHILLIPS, TONI POSTON, PORCHA PRATT, ANTHONY PRICE, JR., SHONDA PULLIAM, DAWN REDDICK-UMOJA, MERESA

REDMOND, ALDRIDGE REED, DAVID REID, JOY REYES DIAZ, ADRIENNE RICHARDS, EMMA RICHARDSON, JAMES ROBERSON, EUGENA ROBINSON, LLOYD ROME, KEITH ROYSTER, ERIC SANDERS, COLLIS SCOTT, JEROME SCOTT, JERRY SCOTT, MELVITA SCOTT, DAVID SEALEY, QUENTEDA SHARPE, ASHLEY SHELTON, BELINDA SMITH, BRITTANY SMITH, KELVIN SMITH, JOCELYN SPIKES, DANIEL STANDBACK, HERCULES STEPHEN, NIQUISHA STROUD, PATRICE SUMMERS, EDDIE TANNER, LOUIS TERRELL, PERCIVAL THOMAS, HARRIETT THOMPSON, MARLISHA THORPE, HENRY TUCKER, ERIC WADE, ROBERTA WATLINGTON, KEVIN WHITE, MICHAEL WHITE, TOMMY WHITENER, RONALD WILLIAMS, T'KEYAH WILLIAMS, OSCAR WILLOUGHBY, JONATHAN WINDHAM, GRACE WOODARD, MICHAEL WOODARD, CARLA WRIGHT, Counter Defendants AIMEE ANDERSON, CHRISTINE ARCHIE, ALBERTHA AUSTIN, ANNIE BAILEY, RODNEY BAILEY, SHIRRELL BALDWIN, BOBBY BELL, PAUL BENTON, JACKIE BITTLE, SHANON BLUE, SHALELIA BRASWELL, MARIA BROWN, SANDRA BROWN, SHARIA BROWN, MICHAEL CAMERON, DELILA CHAPMAN, ANGELA CLINTON, BRITTNEY COOKE, DARRYL COULTER, ALEX CUNNINGHAM, KRISTY CUTHBERTSON, ROSALIND DANIELS, CECILIA DOWNEY, LEVONNE DURHAM, SHAKEYIA EDDINGTON, ROBIN EDWARDS, DIANNA ELLIS, PAMELA FARRINGTON, MARJORIE FERGUSON, STACI FLORENCE, ANTOINETTE FLOWERS, COLEMAN FRAZIER, DOMINIC FUMBANKS, TIFFANY GERRES, ANNIE GILCHRIST, KHALIAH GLANTON, EBONY GOODE, SHEMEIKA GOODEN, CALVIN GRAHAM, TASHIKA GRAHAM, LOUVENIA GRAVES, JAMES GRAY, ANTONIO GREEN, ERNEST GREEN, JANICE GREEN, ERNEST GUERRIER, MONTINA HAIRSTON, AMANDA HALL, KENYADA HARDY, LARRY HARRIS, TIANA HART, TIMESHIA HARVEY, JIHAD HASAN, DERRICK HATCHER, SHAKIA HAYDEN, BRIANNA HESTER, ARTHUR HILL, JENNIFER HILL, CORLETHA HOLLEY, SIERRA HUNT, ASHLEY IFILL, CANDACE INGLE, DEBORA JACKSON, JONATHAN JOHNSON, TALAYA JONES, ANTHONY JORDAN, GREGORY JOSEPH, ROBERT KELLY, LYNEE KIMBLE, ANTHONY KIRKPATRICK, ROBERT KNUCKLES, EVELYN LAWRENCE, LATOYA LEACH, SHAMIKA LEDBETTER, DARRELL LEGRAND, KEOLIKA LITTLE, LARRY LIVINGSTON, ALICIA MALONE, EVELIS MASON, JAYTONIUS MATTHEWSON, ASHLEY MCCLUNEY, DARREN MCDOUGLE, LEQUITA MCKINNON, RHONDA MILLER, MARELYS MORA, SONEJA MORGAN, NICOLE MULL, BARRY MULLINS, SAMANTHA MULLINS, SHEILA MUNGO, DARLIENE NICHOLSON, JOSHUA NOEL, MARCINA NORMAN, EDSEL NORWOOD, BRANDON PASS, NAUTICA PEAY, JASMINE PERKINS, NANCY PERSON, PORSILYNE PERSON, FRANKLIN PHILLIPS, TONI POSTON, PORCHA PRATT, ANTHONY PRICE, JR., SHONDA PULLIAM, DAWN REDDICK-UMOJA, MERESA REDMOND, ALDRIDGE REED, DAVID REID, JOY REYES DIAZ, ADRIENNE RICHARDS, EMMA RICHARDSON, JAMES ROBERSON, EUGENA ROBINSON, LLOYD ROME, KEITH ROYSTER, ERIC SANDERS, COLLIS SCOTT, JEROME SCOTT, JERRY SCOTT, MELVITA SCOTT, DAVID SEALEY, QUENTEDA SHARPE, ASHLEY SHELTON, BELINDA SMITH, BRITTANY SMITH, KELVIN SMITH, JOCELYN SPIKES, DANIEL STANDBACK, HERCULES STEPHEN, NIQUISHA STROUD, PATRICE SUMMERS, EDDIE TANNER, LOUIS TERRELL, PERCIVAL THOMAS, HARRIETT THOMPSON, MARLISHA THORPE, HENRY TUCKER, ERIC WADE, ROBERTA WATLINGTON, KEVIN WHITE, MICHAEL WHITE, TOMMY WHITENER, RONALD WILLIAMS, T'KEYAH WILLIAMS, OSCAR WILLOUGHBY, JONATHAN WINDHAM, GRACE WOODARD, MICHAEL WOODARD, CARLA WRIGHT re 25 MOTION to Compel Arbitration (unopposed) filed by AIMEE ANDERSON, CHRISTINE ARCHIE, ALBERTHA AUSTIN, ANNIE BAILEY, RODNEY BAILEY, SHIRRELL BALDWIN, BOBBY BELL, PAUL BENTON, JACKIE BITTLE, SHANON BLUE, SHALELIA BRASWELL, MARIA BROWN, SANDRA

BROWN, SHARIA BROWN, MICHAEL CAMERON, DELILA CHAPMAN, ANGELA CLINTON, BRITTNEY COOKE, DARRYL COULTER, ALEX CUNNINGHAM, KRISTY CUTHBERTSON, ROSALIND DANIELS, CECILIA DOWNEY, LEVONNE DURHAM, SHAKEYIA EDDINGTON, ROBIN EDWARDS, DIANNA ELLIS, PAMELA FARRINGTON, MARJORIE FERGUSON, STACI FLORENCE, ANTOINETTE FLOWERS, COLEMAN FRAZIER, DOMINIC FUMBANKS, TIFFANY GERRES, ANNIE GILCHRIST, KHALIAH GLANTON, EBONY GOODE, SHEMEIKA GOODEN, CALVIN GRAHAM, TASHIKA GRAHAM, LOUVENIA GRAVES, JAMES GRAY, ANTONIO GREEN, ERNEST GREEN, JANICE GREEN, ERNEST GUERRIER, MONTINA HAIRSTON, AMANDA HALL, KENYADA HARDY, LARRY HARRIS, TIANA HART, TIMESHIA HARVEY, JIHAD HASAN, DERRICK HATCHER, SHAKIA HAYDEN, BRIANNA HESTER, ARTHUR HILL, JENNIFER HILL, CORLETHA HOLLEY, SIERRA HUNT, ASHLEY IFILL, CANDACE INGLE, DEBORA JACKSON, JONATHAN JOHNSON, TALAYA JONES, ANTHONY JORDAN, GREGORY JOSEPH, ROBERT KELLY, LYNEE KIMBLE, ANTHONY KIRKPATRICK, ROBERT KNUCKLES, EVELYN LAWRENCE, LATOYA LEACH, SHAMIKA LEDBETTER, DARRELL LEGRAND, KEOLIKA LITTLE, LARRY LIVINGSTON, ALICIA MALONE, EVELIS MASON, JAYTONIUS MATTHEWSON, ASHLEY MCCLUNEY, DARREN MCDOUGLE, LEQUITA MCKINNON, RHONDA MILLER, MARELYS MORA, SONEJA MORGAN, NICOLE MULL, BARRY MULLINS, SAMANTHA MULLINS, SHEILA MUNGO, DARLIENE NICHOLSON, JOSHUA NOEL, MARCINA NORMAN, EDSEL NORWOOD, BRANDON PASS, NAUTICA PEAY, JASMINE PERKINS, NANCY PERSON, PORSILYNE PERSON, FRANKLIN PHILLIPS, TONI POSTON, PORCHA PRATT, ANTHONY PRICE, JR., SHONDA PULLIAM, DAWN REDDICK-UMOJA, MERESA REDMOND, ALDRIDGE REED, DAVID REID, JOY REYES DIAZ, ADRIENNE RICHARDS, EMMA RICHARDSON, JAMES ROBERSON, EUGENA ROBINSON, LLOYD ROME, KEITH ROYSTER, ERIC SANDERS, COLLIS SCOTT, JEROME SCOTT, JERRY SCOTT, MELVITA SCOTT, DAVID SEALEY, QUENTEDA SHARPE, ASHLEY SHELTON, BELINDA SMITH, BRITTANY SMITH, KELVIN SMITH, JOCELYN SPIKES, DANIEL STANDBACK, HERCULES STEPHEN, NIQUISHA STROUD, PATRICE SUMMERS, EDDIE TANNER, LOUIS TERRELL, PERCIVAL THOMAS, HARRIETT THOMPSON, MARLISHA THORPE, HENRY TUCKER, ERIC WADE, ROBERTA WATLINGTON, KEVIN WHITE, MICHAEL WHITE, TOMMY WHITENER, RONALD WILLIAMS, T'KEYAH WILLIAMS, OSCAR WILLOUGHBY, JONATHAN WINDHAM, GRACE WOODARD, MICHAEL WOODARD, CARLA WRIGHT. (BROWN, ANDREW) (Entered: 05/10/2022) 05/10/2022 Motion Submitted: 25 MOTION to Compel Arbitration (unopposed) to JUDGE LORETTA C. BIGGS. (Blay, Debbie) (Entered: 05/10/2022) ORDER signed by JUDGE LORETTA C. BIGGS on 05/10/2022, that Plaintiffs' Motion 05/11/2022 27 to Compel Arbitration 25 is GRANTED. This action is hereby STAYED, pending the resolution of the arbitrations in accordance with the parties' arbitration agreements. FURTHER that counsel shall file a joint status report of arbitration every ninety (90) days and notify the Court of any arbitration awards in a timely manner. (Taylor, Abby) (Entered: 05/11/2022) ***FILED IN ERROR*** NOTICE of Voluntary Dismissal as to party(s) OSCAR 05/18/2022 <u>28</u> WILLOUGHBY, JR and OSCAR WILLOUGHBY, JR, filed by Plaintiff OSCAR WILLOUGHBY, Counter Defendant OSCAR WILLOUGHBY (BROWN, ANDREW) Modified on 5/19/2022 to mark as filed in error. Wrong case number - attorney to re-file. (Hicks, Samantha) (Entered: 05/18/2022) 05/19/2022 29 NOTICE of Voluntary Dismissal as to party(s) OSCAR WILLOUGHBY, JR and OSCAR

10/23, 1:40 PM		CM/ECF - ncmd
		WILLOUGHBY, JR, filed by Plaintiff OSCAR WILLOUGHBY, Counter Defendant OSCAR WILLOUGHBY (BROWN, ANDREW) (Entered: 05/19/2022)
07/03/2022	<u>30</u>	STATUS REPORT by ADRIENNE RICHARDS. (BROWN, ANDREW) (Entered: 07/03/2022)
07/05/2022		CASE REFERRED RE: (168 in 1:19-cv-00489-LCB-JLW) Status Report, (30 in 1:20-cv-00347-LCB-JLW) Status Report, (92 in 1:19-cv-00490-LCB-JLW) Status Report, to JUDGE LORETTA C. BIGGS. Associated Cases: 1:19-cv-00489-LCB-JLW, 1:19-cv-00490-LCB-JLW, 1:20-cv-00347-LCB-JLW.(Blay, Debbie) (Entered: 07/05/2022)
10/04/2022	31	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL on behalf of Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC WILLIAM FARLEY is substituted as counsel for Defendants, Counter Claimants. Attorney JASON D. EVANS and JACOB R. FRANCHEK terminated. (FARLEY, WILLIAM) (Entered: 10/04/2022)
11/30/2022	32	STATUS REPORT (<i>Joint</i>) by ADRIENNE RICHARDS. (BROWN, ANDREW) (Entered: 11/30/2022)
12/01/2022		CASE REFERRED RE: (114 in 1:19-cv-00490-LCB-JLW) Status Report, (239 in 1:19-cv-00489-LCB-JLW) Status Report, (32 in 1:20-cv-00347-LCB-JLW) Status Report, to JUDGE LORETTA C. BIGGS Associated Cases: 1:19-cv-00489-LCB-JLW, 1:19-cv-00490-LCB-JLW, 1:20-cv-00347-LCB-JLW(Blay, Debbie) (Entered: 12/01/2022)
12/09/2022	33	MOTION for Order to Show Cause by BRITTNEY COOKE. Response to Motion due by 12/30/2022 (BROWN, ANDREW) (Entered: 12/09/2022)
12/09/2022	34	MEMORANDUM filed by Plaintiff BRITTNEY COOKE re 33 MOTION for Order to Show Cause filed by BRITTNEY COOKE. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (BROWN, ANDREW) (Entered: 12/09/2022)
12/15/2022	35	NOTICE of Attorney Appearance by attorney THOMAS R. WOODROW on behalf of Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (WOODROW, THOMAS) (Entered: 12/15/2022)
12/15/2022	36	NOTICE of Special Appearance by attorney ANTHONY DURONE on behalf of Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (Filing fee \$ 25 receipt number ANCMDC-3450659.) (DURONE, ANTHONY) (Entered: 12/15/2022)
12/16/2022	37	NOTICE of Special Appearance by attorney STACEY GILMAN on behalf of Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (Filing fee \$ 25 receipt number ANCMDC-3451145.) (GILMAN, STACEY) (Entered: 12/16/2022)
12/19/2022	38	NOTICE of Special Appearance by attorney JUSTIN RODRIGUEZ on behalf of Defendants TITLEMAX OF VIRGINIA, INC., TITLEMAX OF SOUTH CAROLINA, INC., TMX FINANCE OF VIRGINIA, INC. (Filing fee \$ 25 receipt number ANCMDC-3452145.) (RODRIGUEZ, JUSTIN) (Entered: 12/19/2022)
12/19/2022	<u>39</u>	NOTICE of Special Appearance by attorney OWEN EUGENE BARCALA on behalf of

	CM/ECF - ncmd
	Defendants TITLEMAX OF VIRGINIA, INC., TITLEMAX OF SOUTH CAROLINA, INC., TMX FINANCE OF VIRGINIA, INC. (Filing fee \$ 25 receipt number ANCMDC-3452173.) (BARCALA, OWEN) (Entered: 12/19/2022)
40	MOTION to Withdraw as Attorney WILLIAM J. FARLEY, III by on behalf of TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC (Attachments: # 1 Text of Proposed Order)(FARLEY, WILLIAM) (Entered: 12/22/2022)
41	BRIEF re 40 MOTION to Withdraw as Attorney WILLIAM J. FARLEY, III by Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. filed by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC (FARLEY, WILLIAM) (Entered: 12/22/2022)
	Motion Referred: RE: <u>40</u> MOTION to Withdraw as Attorney WILLIAM J. FARLEY, III, to MAG/JUDGE JOE L. WEBSTER. (Marsh, Keah) (Entered: 12/28/2022)
	Motion Submitted: <u>33</u> MOTION for Order to Show Cause to JUDGE LORETTA C. BIGGS. (Blay, Debbie) (Entered: 01/05/2023)
42	MOTION for Leave to File <i>Response in Opposition to Show Cause</i> by TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC Response to Motion due by 1/26/2023 (WOODROW, THOMAS) (Entered: 01/05/2023)
43	RESPONSE in Opposition re <u>42</u> MOTION for Leave to File <i>Response in Opposition to Show Cause</i> filed by TMX FINANCE OF VIRGINIA, INC., TITLEMAX OF VIRGINIA, INC., TITLEMAX OF SOUTH CAROLINA, INC. filed by BRITTNEY COOKE. Replies due by 1/23/2023 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(BROWN, ANDREW) (Entered: 01/09/2023)
	Motion Submitted: <u>42</u> MOTION for Leave to File <i>Response in Opposition to Show Cause</i> to JUDGE LORETTA C. BIGGS. (Blay, Debbie) (Entered: 01/10/2023)
44	NOTICE of Special Appearance by attorney LAUREN TALLENT on behalf of Defendants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC., Counter Claimants TITLEMAX OF SOUTH CAROLINA, INC., TITLEMAX OF VIRGINIA, INC., TMX FINANCE OF VIRGINIA, INC. (Filing fee \$ 25 receipt number ANCMDC-3465592.) (TALLENT, LAUREN) (Entered: 01/10/2023)
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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CV347

This matter is before the Court on the Plaintiffs' Unopposed Motion for an Order Compelling Arbitration. (ECF No. 25).

Based on the representations to the Court and for good cause shown,

IT IS ORDERED that Plaintiffs' Motion to Compel Arbitration is GRANTED. This action is hereby STAYED, pending the resolution of the arbitrations in accordance with the parties' arbitration agreements.

IT IS FURTHER ORDERED that counsel shall file a joint status report of arbitration every ninety (90) days and notify the Court of any arbitration awards in a timely manner.

This, the 10th day of May 2020.

/s/ Loretta C. Biggs
United States District Judge